

## PROTECTION OF INDUSTRIAL PROPERTY IN KOREA

*Convention signed at Washington May 19, 1908*

*Senate advice and consent to ratification May 20, 1908*

*Ratified by the President of the United States June 2, 1908*

*Ratified by Japan August 3, 1908*

*Ratifications exchanged at Tokyo August 6, 1908*

*Proclaimed by the President of the United States August 11, 1908*

*Entered into force August 16, 1908*

*Obsolete after World War II*

35 Stat. 2041; Treaty Series 506

The President of the United States of America and His Majesty the Emperor of Japan being desirous to secure in Korea due protection for the inventions, designs, trade marks and copyrights of their respective citizens and subjects have resolved to conclude a convention for that purpose and have named as their Plenipotentiaries, that is to say:

The President of the United States of America, Robert Bacon, Acting Secretary of State of the United States; and

His Majesty the Emperor of Japan, Baron Kogoro Takahira, Shosammi, Grand Cordon of the Imperial Order of the Rising Sun, His Ambassador Extraordinary and Plenipotentiary to the United States of America;

Who, after having communicated to each other their Full Powers, found to be in good and due form, have agreed upon and concluded the following articles:

### ARTICLE I

The Japanese Government shall cause to be enforced in Korea simultaneously with the operation of this convention, laws and regulations relative to inventions, designs, trade marks and copyrights similar to those which now exist in Japan.

These laws and regulations are to be applicable to American citizens in Korea equally as to Japanese and Korean subjects. In case the existing laws and regulations of Japan referred to in the preceding paragraph shall hereafter be modified, those laws and regulations enforced in Korea shall also be modified according to the principle of such new legislation.

## ARTICLE II

The Government of the United States of America engages that in case of the infringement by American citizens of inventions, designs, trade marks or copyrights entitled to protection in Korea, such citizens shall in these respects be under the exclusive jurisdiction of the Japanese courts in Korea, the extraterritorial jurisdiction of the United States being waived in these particulars.

## ARTICLE III

Citizens of possessions belonging to the United States shall have in respect to the application of the present convention the same treatment as citizens of the United States.

## ARTICLE IV

Korean subjects shall enjoy in the United States the same protection as native citizens in regard to inventions, designs, trade marks and copyrights upon the fulfillment of the formalities prescribed by the laws and regulations of the United States.

## ARTICLE V

Inventions, designs, trade marks and copyrights duly patented or registered in Japan by citizens of the United States prior to the enforcement of the laws and regulations mentioned in Article I hereof shall without further procedure be entitled under the present convention to the same protection in Korea as is or may hereafter be there accorded to the same industrial and literary properties similarly patented or registered by Japanese or Korean subjects.

Inventions, designs, trade marks and copyrights duly patented or registered in the United States by citizens or subjects of either High Contracting Party or by Korean subjects prior to the operation of the present convention shall similarly be entitled to patent or registration in Korea without the payment of any fees, provided that said inventions, designs, trade marks and copyrights are of such a character as to permit of their patent or registration under the laws and regulations above-mentioned and provided further that such patent or registration is effected within a period of one year after this convention comes into force.

## ARTICLE VI

The Japanese Government engages to extend to American citizens the same treatment in Korea in the matter of protection of their commercial names as they enjoy in the dominions and possessions of Japan under the convention for the protection of industrial property signed at Paris March 20, 1883.<sup>1</sup>

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<sup>1</sup> TS 379, *ante*, vol. 1, p. 80.

“Hong” marks shall be considered to be commercial names for the purpose of this convention.

#### ARTICLE VII

The present convention shall be ratified and the ratifications thereof shall be exchanged at Tokyo as soon as possible. It shall come into force ten days after such exchange of ratifications.

In witness whereof, the respective Plenipotentiaries have signed the present convention in duplicate, and have thereunto affixed their seals.

Done at the City of Washington the 19th day of May in the nineteen hundred and eighth year of the Christian era corresponding to the 19th day of the 5th month of the 41st year of Meiji.

ROBERT BACON	[SEAL]
K. TAKAHIRA	[SEAL]